

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CHARLES HARDEN,	:	
	:	
Plaintiff,	:	Case No. 3:06cv0248
	:	
vs.	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Sharon L. Ovington
MICHAEL BUSH, et al.,	:	
	:	
Defendants.	:	
	:	

Decision and Entry Adopting Report and Recommendations Filed on November 19, 2008 (Doc. #49); Granting Defendants Bolinski and the City of Dayton's Motions to Dismiss (Doc. #s 26, 27) and Dismissing With Prejudice Plaintiff's Claims Against Defendant Bolinski and City of Dayton; Granting Defendants Svendsen and Dearduff's Motion for Judgment on the Pleadings (Doc. #36) and Dismissing with Prejudice Plaintiff's Claims Against Defendant Svendsen and Dearduff; Granting in Part Defendant Bush's Motion to Dismiss (Doc. #35) and Dismissing with Prejudice Plaintiff's Claims Against Defendant Bush Raised in Plaintiff's Complaint in *Harden v. Bush*, 3:06cv00248; and Denying in Part Defendant Bush's Motion to Dismiss (Doc. #35) and Declining to Dismiss Plaintiff's Claims Against Defendant Bush Raised in Plaintiff's Complaint in *Harden v. Bush*, 3:08cv0096

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #49), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on November 19, 2008 (Doc. #49) is ADOPTED in full;
2. Defendants Mark Bolinski and the City of Dayton's Motion to Dismiss and

Amended Motion to Dismiss (Doc. #s 26, 27) and Defendants Svendsen and Dearduff's Motion for Judgment on the Pleadings (Doc. #36) are GRANTED, and Plaintiff's claims against these Defendants are DISMISSED with prejudice;

3. Defendant Michael Bush's Motion to Dismiss (Doc. #35) is GRANTED in part, and Plaintiff's claims against Defendant Bush raised in Plaintiff's Complaint in *Harden v. Bush, et al.*, 3:06cv00248 are DISMISSED with prejudice; and
4. Defendant Michael Bush's Motion to Dismiss (Doc. #35) is DENIED in part, and Plaintiff's claims raised against Defendant Bush in Plaintiff's Complaint in *Harden v. Bush*, 3:08cv0096 are not dismissed.



Walter Herbert Rice
United States District Judge